

# CITY OF TALLAHASSEE

Attachment # 1Page 1 of 15

## CITY COMMISSION AGENDA ITEM

<b>ACTION REQUESTED ON:</b>	November 22, 2005
<b>SUBJECT/TITLE:</b>	Approval of Ordinance No. 05-O-73, Welaunee Contraction Ordinance, and Ordinance No. 05-O-84AA, Voluntary Annexation of Welaunee Phase III
<b>TARGET ISSUE:</b>	

### STATEMENT OF ISSUE

In 1990, Powerhouse, Inc., submitted petitions for voluntary annexation of all of Welaunee Plantation, approximately 7,090 acres of undeveloped land in the northeast quadrant of Leon County. (Attachment 1) 6,548 acres in Welaunee was subsequently annexed, leaving 542 acres in the extreme western part of the Plantation outside the City. The remaining unannexed area of 542 acres is adjacent to the city limits on both the east and west sides. (Attachment 2) On September 8, 2004, The City Commission approved a conceptual agreement with Powerhouse, Inc., related to the route for the eastern transmission line. The agreement included a requirement that the City complete the annexation of the Welaunee Plantation. In order to complete the annexation, another portion of the Plantation that was previously annexed must be removed from the City to prevent the creation of an enclave north of the Welaunee property. The City Attorney's Office has drafted an ordinance, Ordinance No. 05-O-73, to contract the city limits to remove part of the Welaunee Plantation from the City (Attachment 3), and an ordinance, Ordinance No. 05-O-84AA, to annex the remainder of the western portion of the Welaunee Plantation (Attachment 4). The City Commission held the public hearings on the two ordinances on October 26, 2005. The public hearings were closed, and the ordinances are before the City Commission for action.

### RECOMMENDED ACTION

Approve Option 1. Approve Ordinance No. 05-O-73, the Welaunee Contraction Ordinance; and Ordinance No. 05-O-84AA, the Welaunee Annexation Ordinance.

### FISCAL IMPACT

None expected immediately, other than the addition of 542 acres to the City's tax base. The fiscal impact will be greater when the property is developed.

		James R. English
		City Attorney

For Information, please contact: Linda Hurst, Assistant City Attorney, Ext. 8554

**ITEM TITLE:**

Approval of Ordinance No. 05-O - 73, Welaunee Contraction Ordinance, and Ordinance No. 05-O-84AA, Voluntary Annexation of Welaunee Phase III

**SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS****HISTORY/FACTS & ISSUES**

In 1990, Powerhouse, Inc., submitted petitions for voluntary annexation of all of Welaunee Plantation, approximately 7,090 acres of undeveloped land in the northeast quadrant of Leon County. (Attachment 1) 6,548 acres in Welaunee was annexed on September 5, 1990 (Ordinance No. 90-O-0029), leaving 542 acres in the extreme western part of the Plantation outside the City, commonly referred to as the Toe. The unannexed area of 542 acres in the Toe is adjacent to the city limits on both the east and west sides. (Attachment 2)

On September 8, 2004, the City Commission approved a conceptual agreement with Powerhouse, Inc., related to the route for the eastern transmission line. The agreement, which provided a route for the transmission line contains certain conditions, including a requirement that the annexation of the Welaunee Toe be completed. In order to complete the annexation, a portion of the Toe that was previously annexed must be removed from the City to prevent the creation of an enclave north of the Welaunee property.

Ordinance No. 05-O-73 (Attachment 3), if approved, will contract the city limits to remove part of the Welaunee Plantation from the City. The contraction is necessary to comply with Florida Statutes to avoid the creation of an enclave along Centerville Road. See Attachment 5 for a sketch of the area being removed from the City. Ordinance No. 05-O-84AA, if approved, will annex the remainder of the western portion of the Welaunee Plantation (Attachment 4). A parcel owned by Holy Comforter Episcopal School, Inc., on the southern tip of the Toe and a portion of Welaunee south of that parcel are excluded from the annexation (Parcel No. 1115204010000).

The annexation of the remainder of Welaunee will not only comply with the terms of the agreement on the eastern transmission line, but will also eliminate jurisdictional problems and confusion between different development standards and regulations in the City and Leon County when Powerhouse, Inc., begins development. Overall, the development process will be greatly facilitated for both the City and Powerhouse, Inc.

A copy of the original petition for voluntary annexation is attached as Attachment 6. The parcel being annexed at this time is Parcel No. 1114204050000. Updated staff comments, updating the reports prepared in 2002 when annexation of the Toe was previously considered, and the updated Statement of Urban Services are attached as Attachment 7. Pursuant to the Comprehensive Plan, the Leon County Board of County Commissioners considered the two ordinances on October 25, 2005, and continued its consideration to its November 22, 2005, meeting.

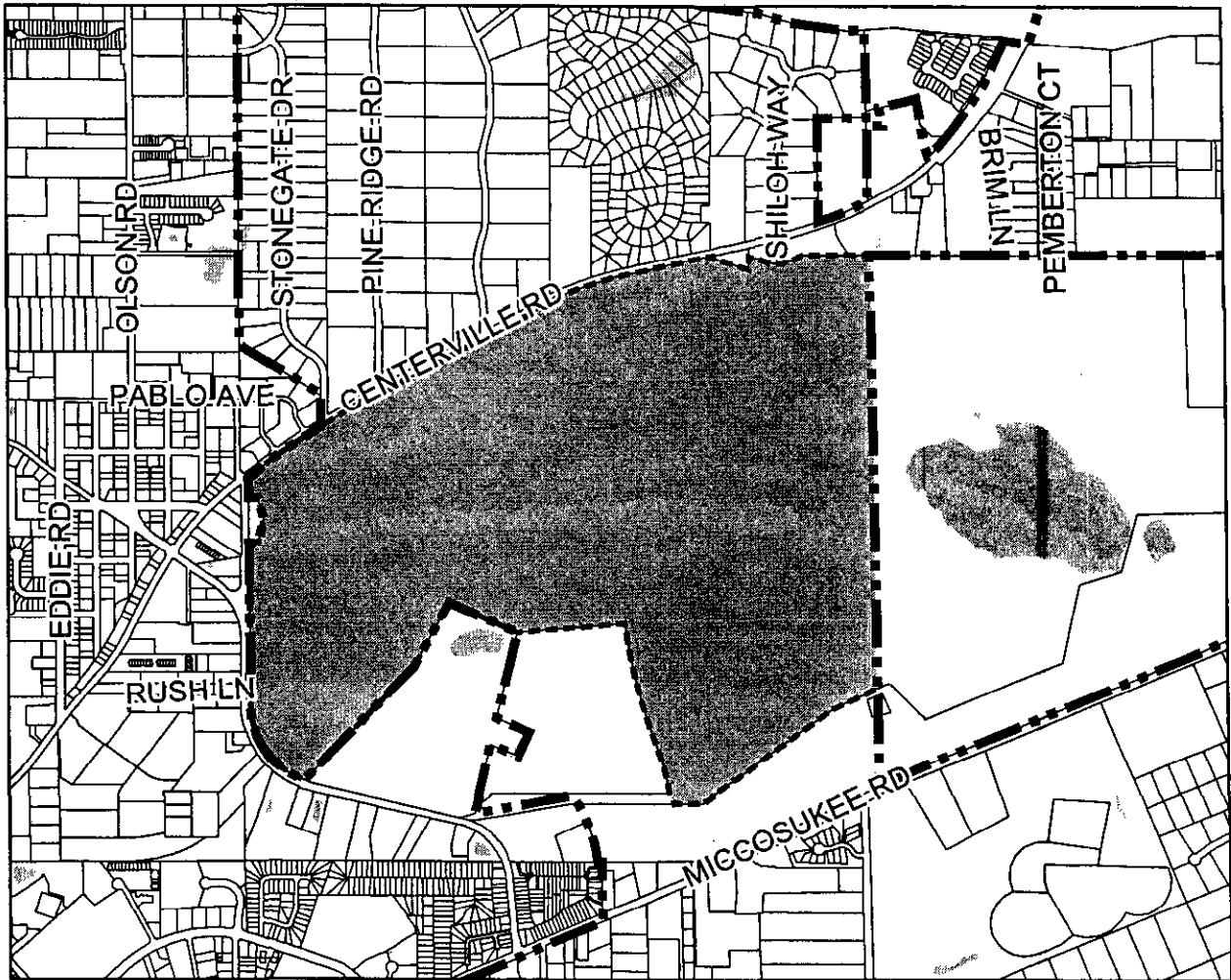
The two ordinances are before the City Commission for approval.

**OPTIONS**

1. Approve Ordinance No. 05-O-73, the Welaunee Contraction Ordinance; and Ordinance No. 05-O-84AA, the Welaunee Annexation Ordinance.
2. Approve Ordinance No. 05-O-73, the Welaunee Contraction Ordinance; and Ordinance No. 05-O-84AA, the Welaunee Annexation Ordinance, as amended by the City Commission.
3. Do not approve Ordinance No. 05-O-73, the Welaunee Contraction Ordinance; or Ordinance No. 05-O-84AA, the Welaunee Annexation Ordinance, and provide direction to staff.

**ATTACHMENTS/REFERENCES**

1. Location map.
2. Sketch of area to be annexed.
3. Ordinance No. 05-O-73, Welaunee Contraction
4. Ordinance No. 05-O-84AA, Welaunee Voluntary Annexation
5. Sketch of area to be removed from the City.
6. 1990 petition for voluntary annexation, with the affected parcel underlined.
7. Staff comments and Statement of Urban Services.



DWG NO. OMB00146.A1

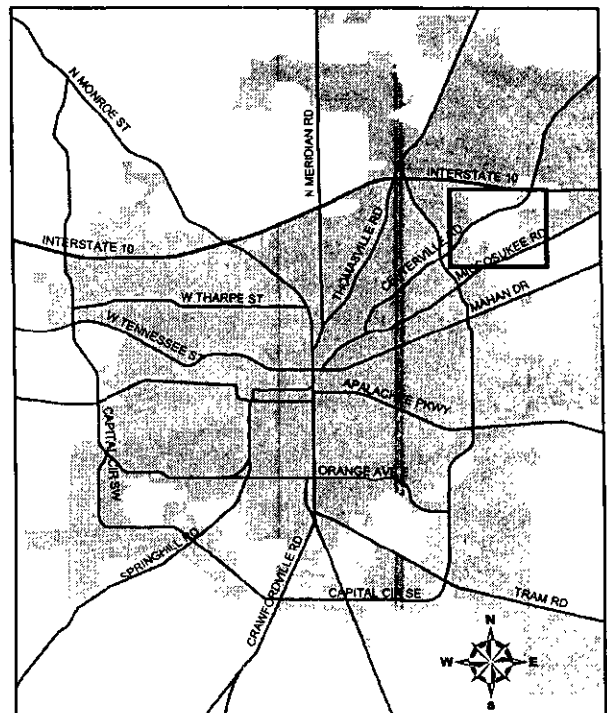
Ordinance # 05-O-84AA

# **WELAUNEE PHASE 3** **PROPOSED ANNEXATION**

## **LEGEND**

-  CURRENT CITY LIMITS
-  PROPOSED CITY LIMITS

TALLAHASSEE - LEON COUNTY PLANNING DEPARTMENT



ORDINANCE NO. 05-O-73

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO CONTRACT THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE CONTRACTION PROVISIONS OF SECTION 171.051, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there are no qualified voters resident in the area and no non-governmentally owned property within the area; and,

WHEREAS, it has been determined that the contraction of said property will not result in the creation of any pocket or enclave as defined by Florida Statute 171.031; and,

WHEREAS, the property is not developed for urban purposes as defined by Florida Statute 171.043; and,

FURTHER WHEREAS, the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to de-annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby deannexed from the City of Tallahassee, Florida, pursuant to the contraction provisions of Section 171.051, Florida Statutes, to wit:

## WELAUNEE PLANTATION CONTRACTION ORDINANCE

**COMMENCE** at the intersection of the west boundary of the east half of the east half of Section 7, Township 1 North, Range 2 East, Leon County, Florida with the northerly right-of-way boundary of Miccosukee Road (County Road 347); thence Southwesterly, along said northwesterly right-of-way boundary, crossing Interstate Highway No. 10 and again along the northwesterly right-of-way boundary of said Miccosukee Road, approximately 8,240 feet to the southeast corner of that parcel described in Deed Book 203, Page 64 (Tax No. 11-13-20-004) of the Public Records of Leon County, Florida; thence, along the boundaries of said parcel as follows: North 37 degrees 32 minutes West 206.09 feet; thence South 71 degrees 10 minutes West 207.8 feet; thence South 35 degrees 35 minutes East 248.0 feet, more or less, to the southwest corner of said parcel lying on the northwesterly right-of-way boundary of said Miccosukee Road; thence Southwesterly, along said northwesterly right-of-way boundary, 2,770 feet, more or less, to an intersection with the east boundary of Section 14, Township 1 North, Range 2 East, and being the **POINT OF BEGINNING**. From said **POINT OF BEGINNING** thence, leaving said northwesterly right-of-way boundary, North, along said east boundary of Section 14, a distance of 2,185 feet, more or less to the northeast corner of said Section 14, also being the southeast corner of that parcel referenced as Tax I. D. 11-11-20-47-0000; thence West, along the northerly boundary of said Section 14, 200.00 feet; thence, leaving said northerly boundary, South 2,300 feet, more or less, to an intersection with the aforementioned northwesterly right-of-way boundary of Miccosukee Road; thence Northeasterly, along said northwesterly right-of-way boundary, 230 feet, more or less to the **POINT OF BEGINNING**; Containing 10.29 acres, more or less.

Section 2. That upon this ordinance becoming effective, the property owners and property described herein shall no longer be entitled to any of the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as provided in Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective on \_\_\_\_\_.

INTRODUCED in the City Commission on the 11<sup>th</sup> day of October, 2005.

PASSED the City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

CITY OF TALLAHASSEE

By: \_\_\_\_\_  
John R. Marks, III  
Mayor

ATTEST:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Gary Herndon  
City Treasurer-Clerk

By: \_\_\_\_\_  
James R. English  
City Attorney

ORDINANCE NO. 05-O-84AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the



City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

### **WELAUNEE PHASE 3 ORDINANCE**

**COMMENCE** at the Northwesterly Corner of Stonegate, a subdivision per plat recorded in Plat Book 7, Page 39, of said Public Records; thence, along the Westerly boundary of said Stonegate South 00 degrees 07 minutes 55 seconds East 3,514.02 feet; thence South 57 degrees 39 minutes 50 seconds East 813.29 feet to the Westerly right-of-way boundary of Stonegate Drive; thence South 00 degrees 02 minutes 50 seconds West, along said boundary and a prolongation thereof, 270 feet, more or less, to the southerly maintained right-of-way boundary of Centerville Road as per the map recorded in Road Plat Book 2, Page 138 of the Public Records of Leon County, Florida, and lying on the northerly boundary of that property described in Official Record Book 94, Page 195 and Official Record Book 93, Page 67, of said Public Records, being the **POINT OF BEGINNING**. From said **POINT OF BEGINNING** thence Northeasterly, along said southerly maintained right-of-way boundary, a distance of 3,600 feet, more or less, to the most westerly corner of that property described in Official Record Book 1826, Page 589; thence, along the southerly boundary of last referenced property, South 73 degrees 49 minutes 34 seconds East 273.23 feet to the southeast corner of said last referenced property; thence, along the easterly boundary of said last referenced property, North 00 degrees 03 minutes 13 seconds West 18.43 feet to the southwest corner of that property described in Official Record Book 1698, Page 560 of said Public Records; thence, along the southerly boundary of said last referenced property the following five (5) courses: South 73 degrees 58 minutes 16 seconds East 174.68 feet to a point of curve concave to the north having a radius of 232.00 feet; thence Easterly along said curve through a central angle of 32 degrees 42 minutes 33 seconds for an arc distance of 132.45 feet (the chord of said curve bears North 89 degrees 36 minutes 21 seconds East for 130.65 feet); thence North 73 degrees 23 minutes 58 seconds East 46.08 feet to a point of curve concave to the northwest having a radius of 357.00 feet; thence Northeasterly along said curve through a central angle of 14 degrees 32 minutes 22 seconds for an arc distance of 90.59 feet (the chord of said curve bears North 66 degrees 02 minutes 24

seconds East for 90.35 feet); thence North 58 degrees 53 minutes 04 seconds East 91.36 feet to an intersection with the northerly boundary of Section 15, Township 1 North, Range 1 East, Leon County, Florida; thence, along said northerly boundary, North 89 degrees 56 minutes 06 seconds East 441.68 feet to a point lying 50 feet westerly of the Northeast corner of said Section 15; thence, Southerly along a line 50 feet westerly of and parallel with the easterly boundary of said Section 15, a distance of 3,813 feet, more or less to an intersection with the northwesterly boundary of the Miccosukee Road Greenway Park described in Official Record Book 2122, Page 1039 of said Public Records; thence, along said northerly boundary the following three (3) courses: South 64 degrees 10 minutes 41 seconds West 255 feet; thence South 53 degrees 55 minutes 00 seconds West 1374.71 feet; thence North 89 degrees 56 minutes 37 seconds West 277 feet; thence, leaving said northerly boundary, North 00 degrees 03 minutes 23 seconds East 111.60 feet, more or less, to the southeast corner of that property described in Official Record Book 2792, Page 765 of said Public records, lying on a curve concave to the southwest having a radius of 1,874.98 feet; thence, along the easterly and northerly boundaries of last referenced property the following three (3) courses: Northwesterly along said curve through a central angle of 12 degrees 06 minutes 23 seconds for an arc distance of 396.18 feet (the chord of said curve bears North 14 degrees 22 minutes 52 seconds West for 395.44 feet) to a point of reverse curve concave to the northeast having a radius of 5,078.35 feet; thence Northwesterly along said curve through a central angle of 12 degrees 43 minutes 14 seconds for an arc distance of 1,127.47 feet (the chord of said curve bears North 14 degrees 02 minutes 54 seconds West for 1,125.16 feet; thence South 84 degrees 37 minutes 46 seconds West 917.42 feet to the northwest corner of last referenced property and being the northeast corner of that property described in Official Record Book 1976, Page 2121 of said Public records; thence, along the northerly and westerly boundaries of last referenced property the following three (3) courses: North 66 degrees 06 minutes 52 seconds West 632.38 feet; thence South 28 degrees 36 minutes 55 seconds West 638.80 feet; thence South 43 degrees 28 minutes 21 seconds West 1,365.05 feet to an intersection with the easterly right-of-way boundary of Fleischmann Road on a curve concave to the northeast having a radius of 696.69 feet; thence, along said easterly right-of-way boundary the following two (2) courses:

Northwesterly along said curve through a central angle of 68 degrees 05 minutes 28 seconds for an arc distance of 827.96 feet (the chord of said curve bears North 34 degrees 10 minutes 00 seconds West for 780.09 feet); thence North 00 degrees 13 minutes 55 seconds West 1,422.56 feet to the southwest corner of that property described in Official Record Book 1654, Page 505; thence, along the southerly, easterly, and northerly boundary of last referenced property the following four (4) courses: North 89 degrees 45 minutes 46 seconds East 92.61 feet; thence North 11 degrees 08 minutes 43 seconds East 216.15 feet; thence North 15 degrees 14 minutes 26 seconds West 176.56 feet; thence South 89 degrees 49 minutes 08 seconds West 89.56 feet to an intersection with the aforementioned easterly right-of-way boundary of Fleischmann Road; thence, along said easterly right-of-way boundary, North 00 degrees 14 minutes 14 seconds West 185.83 feet to an intersection with the aforementioned southerly maintained right-of-way boundary of Centerville Road; thence Northeasterly, along said southerly maintained right-of-way boundary, 800 feet, more or less to the **POINT OF BEGINNING**; Containing 391.64 acres, more or less.

Section 2. That upon this ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption, and contingent upon the passage of Ordinance No. 05-O-73.

INTRODUCED in the City Commission on the 11<sup>th</sup> day of October, 2005.

PASSED the City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

CITY OF TALLAHASSEE

By: \_\_\_\_\_  
John R. Marks, III  
Mayor

ATTEST:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Gary Herndon  
City Treasurer-Clerk

By: \_\_\_\_\_  
James R. English  
City Attorney

## STATEMENT OF URBAN SERVICES

### I. Introduction

The purpose of this statement is to provide information on the land use compatibility and level of urban services that will be provided to the proposed annexation of the Welaunee Plantation. Information provided by staff below is an update, where applicable, of the information provided to the city commission in 2002.

### II. Land Use

Staff has reviewed the proposed annexation of property located at the western end of the "Toe" on Fleischman Road, parcel ID No. 1114204050000. Staff has also reviewed the proposed removal of property from the City Limits that lies farther to the east and is also part of the Welaunee property.

Staff finds the proposal consistent with the Comprehensive Plan, subject to the following provisions of Intergovernmental Element Policy 2.1.4 being adequately met:

- The annexation is in accordance with the requirements of Chapter 172, Florida Statutes as set forth in Policy 2.1.4[I].
- The plan for each annexation, shall be provided by the City Manager to the County Administrator, the County's Growth Management Director and the County Attorney at the time that it is provided to the City Commission, but no less than six (6) days before the first reading of the ordinance. All procedures for review and comment on the annexation as set forth in Policy 2.1.4[I] shall be followed.
- The City shall provide information as to how it will provide full urban services to the area to be annexed pursuant to Policy 2.1.1 {I}.
- A description of how land use compatibility will be ensured, pursuant to Policy 2.1.4(a)[I].
- A description of how facilities will be provided and by which entity, pursuant to Policy 2.1.4(b)[I].
- A description of how the level of service standards will be maintained consistent with the Comprehensive Plan, pursuant to Policy 2.1.4 (c)[I].
- The amount of any agreed upon water and/or sewer rebate that will be due to the petitioner, pursuant to Policy 2.1.4(d)[I].

*The following is provided as additional information related to this site:*

- This property is in the Mixed Use B land use category on the Future Land Use Map.
- The Site Specific Zoning on this property is CPA or Critical Planning Area. This is a zoning district that has specific planning requirements to coordinate the development in a comprehensive manner. Development in a CPA will provide a mixture of integrated uses (i.e. residential, commercial, office, light industrial, community facilities, open space and recreation) that are predominantly self

supporting, rather than dependent on public funding for infrastructure and place a greater emphasis on pedestrian mobility and transportation alternatives.

- The unannexed area in the Toe is adjacent to the City Limits on both the east and west sides. The adjacent properties are in the Mixed Use B future land use category. On the west side of Fleischman Road there are a mixture of zoning districts including M-1 Light Industrial, Residence 3, Office-Residence 3, and CM Medical Arts Commercial.

The properties proposed for annexation and contraction are not the subjects of pending Comprehensive Plan amendments.

### **III. Urban Services**

The level of urban services that may be provided to the area proposed for annexation will be consistent with the level provided to areas within the City.

- A. Fire Protection Service – The City provides fire protection on an area wide basis. In the corporate limits, the fire department responds to alarms within an average of four (4) minutes. Fire Station 7 would be the primary station providing service to Welaunee Plantation. Response times would vary depending on the road network constructed. Approximate response times would be 5-8 minutes depending on the location of the call.
- B. Police Protection Service – Tallahassee maintains a comprehensive law enforcement program. The full range of these services in addition to those currently provided by the Leon County Sheriff will be provided to the area upon annexation.
- C. Growth Management – Growth Management staff has stated that from a concurrency aspect the area is surrounded by canopy roads, which are operating near capacity along, along with other roadway segments that are near or over capacity.
- D. Public Works/Street Maintenance and Right of Way Service – The City has a comprehensive public street construction and maintenance program. The City will assume responsibility for maintaining city-owned streets upon annexation.
- E. Traffic Planning and Control – The maintenance of street signs, pavement markings, and traffic signals on city-owned streets will be assumed by the City upon annexation.
- F. Street Lighting – Tallahassee has a comprehensive program for the installation and maintenance of streetlights. Within one year after annexation, the City will install streetlights on major thoroughfares and on city-owned neighborhood streets by request.

- G. Parks and Recreation Services – The City provides a comprehensive Parks and Recreation program and system of parks for its citizens. Currently there is sufficient capacity in all categories of parkland to accommodate this area.
- H. Bus Service – The City owns and operates a public transit system. Annually, a system-wide analysis is performed to evaluate bus service within all areas of the corporate limits. The closest bus stop is Centerville Road & Lonnbladh, which is approximately one mile. Additionally, the Dial-a-Ride program, a specialized transportation service for citizens who are disabled, will be extended to this area upon annexation. The Dial-a-Ride program is also available to citizens over the age of 60 on a space available basis.
- I. Electric Service – The City currently provides electric service to this area. Extension of electric service to new customers in the area will be in accordance with established policy and other utility agreements.
- J. Water and Sewer Service – City Sewer and Water are available to serve the proposed annexation area. As this area drains in several directions and is part of a much larger overall development plan, the proposed connections to sanitary sewer and water will be subject to review and approval of a Master Utility/Water and Sewer Concept Plan for the development, and in accordance with Master Sewer and Water planning efforts now underway by consultants for the Water Utility.
- K. Gas Service – Gas service is available in this area.
- L. Stormwater Service – Stormwater services to the area will be provided at the same level as currently provided to areas within the City.
- M. Solid Waste Service – Solid waste collection and disposal services will be provided by the City upon annexation.